

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION**

**THOMAS H. KRAKAUER,**  
**on behalf of a class of persons.**

**Plaintiff,**

**v.**

**Civil Action No: 14-cv-333**

**DISH NETWORK, L.L.C.**

**Defendant.**

**If you received a telephone call from May 1, 2010 and August 1, 2011  
from Satellite Systems Network selling the services of DISH Network, L.L.C.,  
a class action lawsuit may affect your rights.**

***A Federal Court authorized this Notice. You are not being sued.  
This is not a solicitation from a lawyer.***

- A lawsuit has been filed against DISH Network, L.L.C. (“DISH”) claiming it authorized a company named Satellite Systems Network (“SSN”) to place telephone calls selling DISH products to individuals who were on the National Do Not Call list and/or on the internal do-not-call lists of DISH or SSN. DISH denies any wrongdoing and is vigorously defending the lawsuit.
- The Court decided this lawsuit should be a class action on behalf of persons who received telemarketing calls between May 1, 2010 and August 1, 2011, from SSN selling goods and services of DISH and who had been on the National Do Not Call list for at least 30 days prior to receiving such calls and/or who were on the internal do-not-call lists of DISH or SSN.
- The Court has not yet decided whether DISH did anything wrong. There is no money available now and no guarantee that there will be. Your legal rights are affected, however, and you have a choice to make now as described in the below table.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT:	
<b>DO NOTHING</b>	<p><b>Stay in this lawsuit. Await the outcome. Give up certain rights.</b></p> <p>By doing nothing, you automatically keep the possibility of getting money or benefits that may come from a trial or settlement. You will give up any rights to separately sue DISH about the matters involved in this lawsuit.</p>
<b>ASK TO BE EXCLUDED</b>	<p><b>Get out of this lawsuit. Receive no benefits from it. Keep rights to sue.</b></p> <p>If you ask to be excluded and money benefits are later awarded, you won't share in those. You will keep any rights to separately sue the DISH about the same matters in this lawsuit.</p>

- Your options are explained in this Notice. To ask to be excluded, as is set forth in Paragraph 13 below, you must act before **[DATE]**. To remain a part of the lawsuit and potentially become a Class Member, you do not need to do anything.
- If this case is not dismissed, resolved by motions, or settled before trial, Plaintiff's lawyers must prove the claims against DISH. If money or benefits are obtained from DISH, you will be notified about how to potentially receive a share.

## BASIC INFORMATION

### 1. Why was this Notice issued?

The Court authorized this Notice to let you know that the Court has certified (or, allowed to proceed) a class action lawsuit that may affect you. You have legal rights and options that you may exercise, as described herein. Judge Catherine C. Eagles of the United States District Court for the Middle District of North Carolina is overseeing this class action. The lawsuit is known as *Krakauer v. DISH Network, L.L.C.*, Civil Action No. 14-cv-333.

### 2. What is this lawsuit about?

This lawsuit claims that Plaintiff Thomas Krakauer and others received multiple telemarketing sales calls promoting DISH's services from SSN, a dealer of DISH, despite being on the National Do Not Call list and/or internal do-not-call lists maintained by DISH or SSN.

The lawsuit claims that, because of these calls, SSN violated the Federal Telephone Consumer Protection Act, 47 U.S.C. § 227 (TCPA) because it prohibits telemarketing to people on the National Do Not Call list or who asked DISH and/or SSN not to call them.

### **3. What is a class action and who is involved?**

In a class action, a person called the “Class Representative” (in this case, Thomas Krakauer) sues on behalf of a group (or groups) of people who have similar claims. The people together are a “Class” or “Class Members.” The individual who sues—and all the Class Members like him—are called the Plaintiffs. The company they sue (in this case, DISH) is called the Defendant. In a class action, the court resolves the issues for all Class Members, except for those who exclude themselves from the Class(es).

### **4. Why is this lawsuit a class action?**

The Court decided that this lawsuit can be a class action because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. In a class action one or more people called “Class Representative” (in this case Dr. Krakauer) sue on behalf of other people who have similar claims. The people together are a “Class” or “Class Members.” One court resolves the issues for everyone in the Class. Judge Eagles is in charge of this class action.

The Court certified two classes in this case, described below in the answer to Question 10.

Additional information about the Court’s reasons for allowing the lawsuit to be a class action is available in the Court’s Memorandum Opinion and Order, dated September 9, 2015, which is available at [www.DishClassAction.com](http://www.DishClassAction.com) in the Court Documents section.

## **THE CLAIMS IN THE LAWSUIT**

### **5. What are the Plaintiff’s claims made in the lawsuit?**

The claims that are made by Plaintiff in this lawsuit are described above in the answer to Question 3. For additional information, you can read a copy of the Plaintiff’s First Amended Class Action Complaint, which is available in the Court Documents section of [www.DishClassAction.com](http://www.DishClassAction.com).

### **6. What does DISH say about Plaintiff’s claims?**

DISH denies that it did anything wrong or violated any law. Specifically, because SSN made all of the calls, DISH denies that it can be held liable for SSN’s calls. You can read a copy of DISH’s Answer to Plaintiff’s Amended Complaint, which is also available in the Court Documents section of the website.

### **7. Did the Court decide who is right?**

The Court has not decided whether Plaintiff or DISH is correct. By certifying the Classes and issuing this Notice, the Court is not suggesting that the Plaintiff will win or lose this case. Unless the case settles, Plaintiff must prove his claims at a trial or through legal motions to recover money.

### **8. What is the Plaintiff asking for?**

Plaintiff is asking the Court to award each Class Member monetary damages of \$500 per call received from SSN regarding DISH from May 1, 2010 to August 1, 2011. If Plaintiff is able to show that DISH “willfully” violated the TCPA, and is liable for SSN’s calls, he will ask for up to \$1,500 per Class Member, per violation. Plaintiff is also asking the Court to enter an order prohibiting DISH from violating the TCPA in the future.

### **9. Is there money available at this time?**

No money or benefits are available now because the Court has not decided whether DISH did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits will ever be obtained. If they are, you will be notified about how to share in them.

## **WHO IS IN THE CLASS**

### **10. Am I part of one of the Classes?**

The Classes certified by the Court consist of the following individuals:

(1) all persons whose telephone numbers were on the National Do Not Call Registry (NDNC) list for at least 30 days prior, but who received telemarketing calls from Satellite Systems Network to promote Dish Network, L.L.C. (“DISH”) between May 1, 2010, and August 1, 2011 (the “NDNC Class”); and/or

(2) all persons whose telephone numbers were on the internal do not call list of DISH or Satellite Systems Network (the “IDNC Lists”), but who received telemarketing calls from Satellite Systems Network to promote DISH between May 1, 2010, and August 1, 2011 (the “IDNC Class”).

**You are a class member if:** your telephone number was on the National Do Not Call Registry for at least 30 days, or was on the internal do not call list of DISH or SSN, and you received telemarketing calls from SSN to sell DISH products between May 1, 2010, and August 1, 2011.

You were identified based upon your name and telephone number as it appeared in Dish’s or SSN’s records, in which case you would likely have received a postcard in the mail notifying you of this action. If you did not receive a postcard in the mail, you may still be part of one of the Classes if your number appears in Dish’s records. You may be able to obtain your telephone bill and/or records from your telephone carrier, but you do not need to submit that information at this time.

If you have any questions about how to obtain this information, please call the lawyers in this case at the telephone number listed in the answer to Question 20.

If you are still not sure if you are included in one of the Classes, you can email the Class Action Administrator at [info@DishClassAction.com](mailto:info@DishClassAction.com). You can also receive free help by calling the lawyers in this case at the telephone number listed in the answer to Question 20.

## **YOUR RIGHTS AND OPTIONS**

You have a choice to make now about whether to stay in the Class(es) or ask to be excluded before the trial.

### **11. What happens if I do nothing?**

If you are a Class member, by doing nothing you will stay in the Class(es). If you stay in the Class(es) and the Plaintiff obtains money or benefits, either as a result of any trial or settlement, you will be notified about how to apply for a share (or how to ask to be excluded from any settlement). Keep in mind that if you are a member of one or both of the Classes and you do nothing now, regardless of whether the Plaintiff wins or loses the legal motions or trial, you will not be able to separately sue, or continue to separately sue, DISH—as part of any other lawsuit—about the same legal claims that are

the subject of this lawsuit. This means that if you do nothing, you may not be able to sue DISH for TCPA violations related to the NDNC and IDNC lists between May 2010 and August 2011. You will also be legally bound by all of the Orders the Court issues and judgments the Court makes in this class action.

### **12. Why would I ask to be excluded?**

If you already have your own lawsuit against DISH for the same types of calls made during the same time period, concerning the NDNC list and internal do-not-call lists, and want to continue with it, you need to ask to be excluded from the Classes. If you exclude yourself from the Classes—sometimes called “opting-out” of the Classes—you won’t get any money or benefits from this lawsuit if any are awarded or obtained as a result of the trial, legal motions, or from any settlement (that may or may not be reached) between DISH and the Plaintiff. However, you will be able to separately start your own lawsuit against, or continue to separately sue, DISH for the calls at issue in this case. If you exclude yourself, you will not be legally bound by the Court’s judgments in this class action.

If you start your own lawsuit against DISH after you exclude yourself, you’ll have to hire and pay your own lawyer for that lawsuit, and you’ll have to prove your claims.

### **13. How do I ask to be excluded from the Class(es)?**

To exclude yourself from the Class(es), you must email, mail or otherwise deliver a letter (or request for exclusion) stating that you want to be excluded from *Krakauer v. DISH Network, L.L.C.*, Case No. 14-cv-333. Your request for exclusion must include your name and address, the phone number that received the calls at issue, and your signature (if your request for exclusion is sent by email, include your name in the email). You must email your request to [OptOut@DishTCPAClassAction.com](mailto:OptOut@DishTCPAClassAction.com) or mail your exclusion request to: Krakauer v. DISH Network, EXCLUSIONS, c/o A.B. Data, Ltd., PO Box 170500, Milwaukee, WI 53217-8091 by mail, postmarked no later **[DATE]**.

## **THE LAWYERS REPRESENTING YOU**

### **14. Do I have a lawyer in the case?**

The Court has appointed a team of lawyers from the firms Bailey & Glasser, LLP; Broderick Law, PC; and Law Office of Matthew McCue to represent the Classes. They are called “Class Counsel.” They are experienced in handling similar class action cases.

### **15. Should I get my own lawyer?**

You do not need to hire your own lawyer because Class Counsel is working on your behalf. You may seek the advice and guidance of your own lawyer, if you wish, at your own expense.

### **16. How will Class Counsel be paid?**

If Class Counsel obtains money or benefits for the Classes, they may ask the Court for attorneys’ fees and expenses. You won’t have to pay these fees and expenses. If the Court grants Class Counsel’s request, the fees and expenses would generally be deducted from any money obtained for the Classes or paid separately by DISH.

## THE TRIAL

### **17. How/when will the Court decide who is right?**

If the case is not decided through legal motions or settled, Class Counsel will have to prove the Plaintiff's claims at a trial. The trial will be heard at United States District Court, 2323 E. Chapel Hill Street, Durham, NC 27702. A trial date is scheduled for June 20, 2016. During the trial, a Jury will hear all of the evidence to help them reach a decision about whether the Plaintiff or DISH is right about the claims in the lawsuit. There is no guarantee that the Plaintiff will win or that they will get any money for the Classes.

### **18. Do I have to come to the trial?**

You do not need to attend the trial. Class Counsel will present the case for the Plaintiff and DISH will present its defenses. You are welcome to attend at your own expense.

### **19. Will I get money after the trial?**

If the Plaintiff obtains money or benefits as a result of the trial or a settlement, you will be notified about how the money or benefits will be distributed to class members, and provided with information on your options at that time. Currently, we do not know if any benefits will be available or how long this process will take.

### **20. I believe I am a member of the Class, but I did not receive a Postcard Notice about the case. Can I provide my name, address and telephone number to find out if I am a Class Member?**

If you believe you are a member of the Class, but you did not receive a mailed postcard notice regarding the case, you may submit your address information in one of three ways: 1) Send an email with the corrected information to [AddressChange@DishClassAction.com](mailto:AddressChange@DishClassAction.com); 2) Submit the address, telephone and contact information update/correction on the form at [www.DishClassAction.com/AddressSubmissionForm](http://www.DishClassAction.com/AddressSubmissionForm); or 3) Mail the information to Krakauer v. DISH Network, CLASS MEMBER ADDRESS SUBMISSION, c/o A.B. Data, Ltd., PO Box 170500, Milwaukee, WI 53217-8091.

### **21. I received a Postcard Notice, but I would like to update my contact information. How do I do so?**

If you received a mailed notice about the case and you wish to update or change your address or contact information, or the telephone number on which you received the call(s) in question you may do so in one of three ways: 1) Send an email with the corrected information to [AddressChange@DishClassAction.com](mailto:AddressChange@DishClassAction.com); 2) Submit the address, telephone and contact information update/correction on the form at [www.DishClassAction.com/AddressSubmissionForm](http://www.DishClassAction.com/AddressSubmissionForm); or 3) Mail the updated information to Krakauer v. DISH Network, CLASS MEMBER ADDRESS SUBMISSION, c/o A.B. Data, Ltd., PO Box 170500, Milwaukee, WI 53217-8091.

### **22. Can I provide telephone records to the Class Administrator?**

If you wish to provide telephone records evidencing the calls that you received you may do so in one of three ways: 1) Email copies of the records to [ClassMemberRecords@DishClassAction.com](mailto:ClassMemberRecords@DishClassAction.com); 2) Upload

the records at [www.DishClassAction.com/ClassMemberRecordUpload](http://www.DishClassAction.com/ClassMemberRecordUpload); or 3) Mail copies of the records to Krakauer v. DISH Network, CLASS MEMBER RECORDS, c/o A.B. Data, Ltd., PO Box 170500, Milwaukee, WI 53217-8091. There is no requirement that you do so.

### **GETTING MORE INFORMATION**

#### **23. Where can I get more information?**

The website [www.DishClassAction.com](http://www.DishClassAction.com) contains several court documents that provide additional information about the case. This website will be updated with the most current information about the lawsuit as it becomes available. You may also write with questions to Krakauer v. DISH Network, c/o A.B. Data, Ltd., PO Box 170500, Milwaukee, WI 53217-8091 or to [info@DishClassAction.com](mailto:info@DishClassAction.com). You may call Class Counsel at (800) 331-5763, if you have any questions. Before doing so, however, please read this full Notice carefully.